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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,807	02/09/2004	Michael J. Duffy	TPL 0134 PUS	9247
22045	7590	07/14/2005	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			KYLE, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/774,807

Applicant(s)

DUFFY, MICHAEL J.

Examiner

Michael J. Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/9/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 10 is objected to because there is no transitional phrase between the preamble and the method steps. It is unclear if these steps are opened (i.e. comprising) or closed (i.e. consisting) limitations. Examiner suggests including a transitional phrase such as --comprising the steps of--, or any other suitable phrase.
2. Claim 10 is objected to because of the limitation "biasing said pivot link about said with a laterally...". It is unclear what the pivot link is biased about. As best understood by the examiner, the pivot link is biased about the pivot axis flange.
3. Claim 12 is objected to because of the phrase "a spring comprising a laterally coil strand". Examiner believes "coil" should be -- coiled --.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-10, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Germann (U.S. Patent No. 3,024,488). With respect to claims 1, 4, 5, Germann discloses a closure hinge comprising a mount (11), a pivot link (20), a pivot (25), and a spring (30) having a laterally coiled strand extending from a first coil end to a second coil end, and having a first end (on 32) at the first coil end (31) and a second end (at 33) with a longitudinally extended portion

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along a longitudinal direction of the coil to a position at the first end, wherein the first and second ends bias the link and the mount at the first coil end. The first strand end and the second strand end terminate at a substantially coplanar position. The pivot link (20) is a gooseneck arm.

6. With respect to claims 6 and 7, Germann discloses the first and second ends to include radially extending arm portions (31, 32). One of the arm portions (32) has a terminal portion pivotally secured to the mount (at 34).

7. With respect to claims 8 and 9, Germann discloses both the first and second ends to include radially extending arm portions (31, 32) having terminal portions. The first terminal portion is pivotally secured about a first spring arm axis (at 33) to the pivot link (20), and the second terminal portion is pivotally secured about a second spring arm axis (at 34) to the mount. The spring arm axis and the second spring arm axis are spaced from and parallel to the pivot axis flange (at 25).

8. With respect to claim 10, Germann discloses a method biasing a vehicle closure hinge comprising the steps of mounting a pivot axis flange (on 11) on a bordering structure, aligning a pivot link (20) adjacent the pivot axis flange, coupling the pivot link to the pivot axis flange (via 25), and biasing the pivot link about the pivot axis flange with a laterally coiled strand spring (30). The strand has first and second ends (at 33 and 34, respectively). The first strand end extends along a longitudinal direction of the coil to a position at the first coil end. The biasing acts about the pivot axis.

9. With respect to claim 12, Germann discloses a closure hinge comprising a mount (11) with a pivot axis flange, a pivot link (20), and a pivot (25) coupling the pivot link (20) to the pivot axis flange. Germann also discloses a spring (30) comprising a laterally coiled strand

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extending from a first coiled end to a second coiled end. The strand has a first strand end (at 33) coupled to the pivot link (20) and a second strand end (at 34) coupled to the mount. The pivot link is a gooseneck bar.

10. With respect to claims 14 and 15, Germann discloses the coiled strand (30) is wrapped about an axis parallel but spaced from the pivot axis. The first strand end (at 33) is pivotally to the pivot link (20).

11. With respect to claim 16, the first strand end engages a lever (21) carried by the pivot link.

12. With respect to claims 18 and 19, Germann discloses the first strand end being coupled to the pivot link (20) at a position (33) spaced from the pivot axis (25). The second strand is coupled to the mount (at 34) at a position spaced from the pivot axis (25).

13. Claims 12 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (U.S. Patent No. 5,419,012). Lewis discloses a closure hinge comprising a mount (28) with a pivot axis flange, a pivot link (20, 30), and a pivot (at A) coupling the pivot link to the pivot axis flange. Lewis further discloses a spring (46) extending from a first coiled end to a second coiled, with a first strand end coupled to the pivot link (on 30) and a second strand end coupled to the mount. The pivot link is a gooseneck bar. The first strand end is pivotally coupled to the pivot link (at 30), and engages a lever (30) carried by the pivot link. The lever includes a second pivot (at 34) coupling to the pivot link.

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14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2, 3, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germann. Germann does not show the longitudinally extended portion of the spring (at 33) to be positioned coaxially or aligned within the coil. However, the location of the longitudinal extending portion, whether it be within or outside the coil, does not appear to produce a new or unexpected result over the prior art. One having ordinary skill in the art would recognize that to extend one strand end to the other end of the coil, there must be a longitudinal portion to the strand, and the location of this longitudinal portion does bring about a new or unexpected result or provide a clear advantage over the known arrangements. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Germann such that the longitudinal portion extends coaxially within the coil, as this bring about no new advantage over the prior art, and appears to be an equivalent alternative to that which Germann shows.

16. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton (U.S. Patent No. 4,458,379) in view of Lewis. Shelton discloses a closure hinge comprising a mount (16) with a pivot axis flange, a pivot link (18), and a pivot (36) coupling the link to the pivot axis flange. Shelton also discloses a spring (40) with a first strand end (64) coupled to the pivot link (18) and a second strand end (extending through 46) coupled to the mount. Shelton does not show the link to be a gooseneck bar.

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17. Lewis teaches a closure hinge with a mount (28), a pivot link (20), and a pivot (at A).

The pivot link is a gooseneck bar. Gooseneck bars are commonly used so that a lid can move away from a vehicle body in a spaced relationship when moving from a closed position to an open position. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Shelton, such that the pivot link is a gooseneck bar, so that a lid can move away from a vehicle body in a spaced relationship when moving from a closed position to an open position.

18. With respect to claim 13, Shelton discloses the coiled strand to be coaxial to the pivot axis.

### *Conclusion*

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to biased closure hinges: Wirth, Devereaux, Thomas, Einhaus, Koch, Kaneko, Long, and GB 2080409 A.

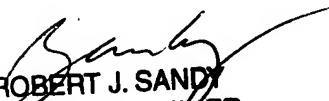
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ROBERT J. SANDY  
PRIMARY EXAMINER